REMARKS

Pending Claims:

In this application, claims 10-34 are currently pending. Claims 1-9 have been deleted in this amendment. Claims 10-34 have been added. Entry of these amendments is respectfully requested.

Drawings:

The Office Action objected to the drawings under 37 CFR 1.83(a), stating that the "plural jumper plugs" found in original claims 6 and 7 were not found in the drawings. The applicant has cancelled these claims, and there is no longer any reference to jumper plugs in the pending claims. The applicant believes that this amendment overcomes the Examiner's objections to the drawings.

Rejection under 35 U.S.C. §102(e) & 103

The Examiner has rejected claim 1 as being anticipated by Jones, U.S. Patent No. 6,067,286 under 35 U.S.C. §102(e), and has rejected claims 2-9 as obvious in light of Jones under 35 U.S.C. §103. Jones is said to teach two separate switch fabrics and multiple slot controllers. The principal function of the slot controllers is to convert the bit stream received from an external link and divide it into cells for presentation to the switch fabric, and vice versa. Col. 1, lines 15-24. Jones also teaches the use of duplicate switch fabrics to increase fault tolerance. Col. 1, lines 25-29. Jones further explains how a system controller can be set up to monitor the operation of the switch, such as by sending out "health check" testing cells to ensure that the switch is operating properly. Col. 1, lines 29-39. The improvement of Jones relates to keeping both switch fabrics active at the same time (col. 1, line 67 to col. 2, line 7), while still having the slot controllers periodically sending out "health check" data cells to test the switch fabric. (col. 2, lines 19-29).

In the present Amendment, the Applicant has canceled claims 1-9, and added claims 10 through 34. The newly added independent claims all focus on different aspects of the present invention, and are not taught or suggested by the prior art. For instance, independent claim 10 emphasizes a fault tolerant switch with a central control module that receives error messages and, upon an indication of a failure in a switch board, instructs all i/o cards to discontinue use of the defective switch board. Jones

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does not disclose this invention, as the slot controllers in Jones make determinations for themselves as to when a switch fabric is unavailable. Col. 4, lines 11-27. New independent claim 16 emphasizes the use of a separate control and data pathways, where error messages are sent over the control pathway without interfering with the data pathway. Jones also does not disclose this invention, as the health check cells travel over the same pathway as the data. Independent claim 21 emphasizes the use of two data pathways between an i/o card and a switch board, and the ability to discontinue a failed pathway. This invention is not disclosed or suggested in the prior art. Independent claim 27 claims the reception of error messages from local processors, where the local processors detect errors by examining actual data transmissions as opposed to test data, as required by Jones. Independent claim 29 includes several of these inventive concepts.

Independent claims 30, 31, and 32 relate to methods for responding to an error in a data switch, which includes the use of control pathways and the monitoring of actual data—not test data. These claims are not taught in or suggested by the prior art.

New claim 34 claims a unique method for upgrading software in a switch. This claim is also not found in the prior art.

CONCLUSION

New claims 10-34 are neither taught by, nor suggested in the prior art. Hence, these claims should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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